

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHET PRUITT,

No. 2:20-cv-632 KJM AC P

Plaintiff,

v.

MANJULA BOBBALA, et al,

ORDER REFERRING CASE TO POST-  
SCREENING ADR PROJECT AND  
STAYING CASE FOR 120 DAYS

Defendants.

Plaintiff is a state prisoner proceeding through counsel. Defendants have waived service of process. ECF Nos. 18, 21, 23.

The undersigned is referring all post-screening civil rights cases filed by state inmates to the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to resolve such cases more expeditiously and less expensively. No defenses or objections shall be waived by participation.

As set forth in the screening order, plaintiff has stated a potentially cognizable civil rights claim. Accordingly, the court stays this action for a period of 120 days to allow the parties to investigate plaintiff's claims, meet and confer, and then participate in a settlement conference.

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1       There is a presumption that all post-screening prisoner civil rights cases assigned to the  
2 undersigned will proceed to settlement conference.<sup>1</sup> However, if after investigating plaintiff's  
3 claims and speaking with plaintiff's counsel, and after conferring with defense counsel's  
4 supervisor, defense counsel in good faith finds that a settlement conference would be a waste of  
5 resources, defense counsel may move to opt out of this pilot project. Plaintiff may move to opt  
6 out of this pilot project if, after conferring with defense counsel, plaintiff's counsel in good faith  
7 finds that a settlement conference would be waste of resources. **A motion to opt out must be  
8 filed within sixty days of the date of this order.**

9           Once the settlement conference is scheduled, at least seven days prior to the conference,  
10 each party shall submit to the settlement judge a confidential settlement conference statement.  
11 The parties' confidential settlement conference statements shall include the following: (a) names  
12 and locations of the parties; (b) a short statement of the facts and alleged damages; (c) a short  
13 procedural history; (d) an analysis of the risk of liability, including a discussion of the efforts  
14 made to investigate the allegations; and (e) a discussion of the efforts that have been made to  
15 settle the case. The parties shall e-mail their settlement conference statements to the settlement  
16 judge's e-mail box for proposed orders, available on the court's website.

17           In accordance with the above, IT IS HEREBY ORDERED that:

18           1. This action is stayed for 120 days to allow the parties an opportunity to settle their  
19 dispute before the discovery process begins. Except as provided herein or by subsequent court  
20 order, no other pleadings or other documents may be filed in this case during the stay of this  
21 action. The parties shall not engage in formal discovery, but the parties may elect to engage in  
22 informal discovery.

23           2. The parties shall file any motion to opt out of the Post-Screening ADR Project no  
24 more than sixty days from the date of this order.

25           3. At least seven days prior to the settlement conference, each party shall submit a  
26 confidential settlement conference statement, as described above, to the settlement judge. The

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28 <sup>1</sup> If the case does not settle, the court will set a date for the filing of a responsive pleading.

1 parties shall e-mail their settlement conference statements to the settlement judge's proposed  
2 orders e-mail address.

3           4. If a settlement is reached at any point during the stay of this action, the parties shall  
4 file a Notice of Settlement in accordance with Local Rule 160.

5       5. The parties remain obligated to keep the court informed of their current addresses at  
6 all times during the stay and while the action is pending. Any change of address must be reported  
7 promptly to the court in a separate document captioned for this case and entitled "Notice of  
8 Change of Address." See L.R. 182(f).

9 || DATED: January 26, 2021

Allison Claire  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE